

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGAN ART FOUNDATION LIMITED,

Plaintiff,

-against-

MICHAEL MCKENZIE, et al.

Defendants.

Case No. 18-cv-04438-AT-BCM

**MICHAEL MCKENZIE’S PROOF OF SERVICE OF COURT ORDER (ECF 469)  
ON OSVALDO GONZALEZ**

I, Bridget A. Zerner, declare under the penalty of perjury as follows:

1. I am a partner at the law firm Markham Read Zerner LLC located in Boston, Massachusetts and have appeared on behalf of Michael McKenzie d/b/a American Image Art in the above-captioned action along with John J.E. Markham as well as have appeared on behalf of McKenzie in the related pending arbitration described herein. The facts stated herein are based upon my own personal knowledge and if called upon to do so I could and would testify competently to the statements set forth below.

2. Today, December 15, 2021, this Court issued an Order (ECF 469) granting McKenzie’s Motion to Compel (ECF 444) the testimony of Osvaldo Gonzalez, ordering that Gonzalez reappear for deposition, on or before January 7, 2022, and answer the questions put to him with regard to all “matters relevant to” his August 31 declaration and October 1 deposition testimony. The Court further ordered that McKenzie serve a copy of this Order on Gonzalez by email and file proof of such service on the docket.

3. Today, December 15, 2021, in accordance with this Court's Order, I emailed to Mr. Gonzalez a copy of the Order (ECF 469) to Mr. Gonzalez's email addresses [og@ogcool.com](mailto:og@ogcool.com), [og@og.cool](mailto:og@og.cool) and [ogcool@icloud.com](mailto:ogcool@icloud.com) which are emails that Mr. Gonzalez used in emailing with our firm in the past. A copy is attached.

I declare under penalties of perjury that the forgoing is true and correct.

Executed this 15<sup>th</sup> day of December, 2021 in Boston, Massachusetts.

Respectfully submitted,

/s/ Bridget A. Zerner

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*Attorneys for the Defendant Michael  
McKenzie dba American Image Art*

### **Certificate of Service**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified and paper copies will be sent to any indicated as non-registered participants on December 15, 2021.

/s/ Bridget A. Zerner

Bridget A. Zerner

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**From:** Bridget Zerner  
**Sent:** Wednesday, December 15, 2021 5:24 PM  
**To:** 'og@ogcool.com'; 'OG Cool'; ogcool@icloud.com  
**Cc:** jmarkham@markhamreadzerner.com; Luke Nikas  
**Subject:** FW: Activity in Case 1:18-cv-04438-AT-BCM Morgan Art Foundation Limited v. McKenzie d/b/a American Image Art et al. Order on Motion to Compel  
**Attachments:** 469. Order Granting Mtn to Compel Gonzalez.pdf

Oz: See the docket entry in the below email and the attached Order in which the Court found as follows:

**ORDER granting [444] Letter Motion to Compel. For the foregoing reasons, McKenzie's motion to compel (Dkt. No. 444) is GRANTED. It is hereby ORDERED that Gonzalez reappear for deposition, on or before January 7, 2022, and answer the questions put to him with regard to all "matters relevant to" his August 31 declaration and October 1 deposition testimony. OSRecovery, 262 F. Supp. 2d at 310. McKenzie shall appear for his continued deposition on or before January 14, 2022. It is further ORDERED that McKenzie serve a copy of this Order on Gonzalez by email and file proof of such service on the docket.**

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U.S. District Court

Southern District of New York

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**Case Name:** Morgan Art Foundation Limited v. McKenzie d/b/a American Image Art et al.

**Case Number:** [1:18-cv-04438-AT-BCM](#)

**Filer:**

**Document Number:** [469](#)

**Docket Text:**

**ORDER granting [444] Letter Motion to Compel.** For the foregoing reasons, McKenzie's motion to compel (Dkt. No. 444) is GRANTED. It is hereby ORDERED that Gonzalez reappear for deposition, on or before January 7, 2022, and answer the questions put to him with regard to all "matters relevant to" his August 31 declaration and October 1 deposition testimony. OSRecovery, 262 F. Supp. 2d at 310. McKenzie shall appear for his continued deposition on or before January 14, 2022. It is further ORDERED that McKenzie serve a copy of this Order on Gonzalez by email and file proof of such service on the docket. It is further ORDERED that the Court will hold a telephonic conference on December 21, 2021, at 10 a.m. At that time, the parties are directed to call (888) 557-8511 and enter the access code 7746387#. Counsel should be prepared to discuss the following issues (which they may also address, if they wish, in a joint letter filed no later than 12:00 noon on December 20, 2021): (a) What changes should be made to the schedule for McKenzie's opposition and reply papers and for the hearing with respect to the sanctions motion. (b) Whether the second Zerner declaration and its attachments should (i) remain under electronic seal but be made available to MAF as well as to McKenzie and the Court; or (ii) be unsealed; and (c) Whether MRZ should be disqualified from representing McKenzie in this action in light of its previous representation of Gonzalez as a witness in the Arbitration. (Signed by Magistrate Judge Barbara C. Moses on 12/15/2021) (rro)

**1:18-cv-04438-AT-BCM Notice has been electronically mailed to:**

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[STAMP dcecfStamp\_ID=1008691343 [Date=12/15/2021] [FileNumber=26952671-0] [abfbdcc72e4b94c828c8165e11862232fe8bd9be6c8576853f1ed666ca4cec7746740921e86cfe760774bc1d07749238d415719efc6b85cdae2104c9a69d4ce0]]